RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Approve processing strategy for the 23 applications initiated under the Commercial Sites Open Window Program. The Planning Commission recommends that the Board of Supervisors take the actions as summarized in Attachment 1, Summary of Recommendations. For each application, the Planning Commission has recommended a method by which to terminate, defer, or proceed with each application.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- June 14, 1994  Board established Open Window Period for the rezoning of established commercial uses.
- April 25, 1995  Board initiates rezoning of 23 commercial applications.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Modify actions taken on individual applications from those recommended by the Planning Commission

NEGATIVE ACTION to the recommended action would result in no further processing of any of the Commercial Open Window Period applications.

COSTS:  (  ) Not Applicable

A. Budgeted current FY $ 
B. Total anticipated Costs $ 
C. Required additional funding $ 
D. Internal transfers $ 

COSTS:  (  ) 4/5th Vote Required

A. Unanticipated revenues $ 
B. Reserve for contingencies $ 
C. Source description: 

Balance in Reserve Contingencies, If Approved: $ 

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Memo to Board with Attachments:

1. Summary of Recommendations
2. Memorandum to the Planning Commission (4-26-96)
3. Resolution 94-232 (Commercial Open Window Period)

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:  

☑ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted for Comment
☐ Returned for Further Action

Comment: 

A.O. Initials:  

Action Form Revised 10/95
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: RESOLUTION NUMBER 96-258

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 4, 1996

ACTION AND VOTE:

B) PUBLIC HEARING to Consider the Planning Commission’s Recommendations on the Continuing Processing of General Plan/Zoning Amendment Applications Initiated by the County Under the Commercial Sites Open Window Program

BOARD ACTION: Ed Johnson presented staff report and requested direction relative to who would be responsible for paying for environmental review and special studies, and relative to Planning Commission’s request that only legally established uses be processed. Jay Pawlek/Associate Planner, gave slide presentation and reviewed recommendation for each of the applications; and advised of correction to the chart in the staff report to reflect proceeding with application C-14 - Mel-O-Dee Motel/Von der Ahe, applicant, under General Plan/Zoning Amendment with Development Agreement. Ed Johnson, Jay Pawlek, and Sarah Williams/Planning Manager, responded to questions from the Board relative to non-conforming use and recommendation for application C-16 - Hillside Motel/Houtz, applicant; recommendation for application C-21 - Archibald Mini Storage/Archibald, applicant; and Planning Commission’s recommendation, improvements and applicant’s intentions for application C-14 - Mel-O-Dee Motel/Von der Ahe, applicant. Public portion of the hearing was opened. Chairman called for input on each application. The following input was received: Jim Conrad stated he was satisfied with the recommendation for application C-4 - Midpines Post Office parcel. Leonard Brazzi stated he submitted application C-6 - shop building, residences, etc., to legalize the existing uses and commented that no permits were necessary for these uses when he moved there six years ago. Veronika Gerger asked if the recommendation for C-10 - Indian Flat RV Park is the same as what was requested. Thomas Archibald requested that his application C-21 - Mini Storage be zoned commercial as the site is surrounded by commercial activity and Caltrans has approved a commercial
encroachment to the site. Dave Lawson, applicant for application C-23 - construction company, stated he understood that the open window application process was to bring existing uses into compliance; this site is within the Town Planning Area (Bootjack) and is a low impact use - in use since 1981 with a substantial payroll; requested processing of the application be continued for commercial use versus processing through the Specific Plan process as the Specific Plan is still tentative; and advised that he has permits for additional construction on the site. Dave Lawson responded to questions from the Board relative to processing the application; size of the parcel; and plans to construct another building. Board concurred with holding the public portion of the hearing open during the summary portion and questions of staff portion prior to deliberations. Ed Johnson presented summary and responded to issues raised. Staff responded to questions from the Board relative to processing the applications; concerning expansion for application C-8 - Little Valley Inn/Hewitt, applicant; reason for recommendation for C-16 - Hillside Motel/Houtz, applicant; reason for recommendations to process C-22 - mini-storage/Young, applicant, and C-23 - construction company/Lawson, applicant, through the Specific Plan process; recommendation for C-21 - mini-storage/Archibald; applicant; recommendation for C-14 - Mel-O-Dee Motel/Von der Ahe, applicant; and recommendation and options for C-20 - Don Pedro Golf Course and Townhouses/Leonardi, applicant. Additional public input was received from the following: Dave Lawson asked whether the specific use has to be defined for a development agreement and whether there would be any flexibility. Mary Good commented that the Hillside Motel provides much needed housing for employees of the El Portal motels and concessions. Dave Lawson responded to question from the Board relative to Caltrans requirements for access if he constructs a second building. Public portion of the hearing was closed and Board commenced with deliberations. Hearing was continued to 1:30 p.m.

11:50 a.m. Lunch

1:31 p.m. Board reconvened with Supervisor Taber excused for the rest of the meeting.

Continued deliberation was held on the processing of General Plan/Zoning Amendment applications initiated by the County under the Commercial Sites Open Window Program. Dave Lawson responded to questions from the Board relative to his involvement with the Bootjack Town Planning Area Specific Plan process, and continued processing of his application. (M)Parker, (S)Reilly, Res. 96-258 adopted approving continued processing of the applications as recommended by staff with the following changes: C-8/Hewitt moved to Revise Rural Home Industry Standards (defer); C-14/Von der Ahe moved to General Plan/Zoning Amendment with Development Agreement as recommended by the Planning Commission; C-16/Houtz moved to General Plan/Zoning Amendment (defer); C-20/Leonardi moved to General Plan/Zoning Amendment with Development Agreement for those uses that are existing; C-21/Archibald. C-22/Young, and
C-23/Lawson moved to General Plan/Zoning Amendment with Development Agreement; direction was given that the uses for development agreements will be whatever are existing as of the date of the application; and the costs for processing applications C-15/Fischer and C-16/Houtz will be covered by the County, with the applicants to pay for any special studies as previously directed by the Board/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Taber.

cc: File
May 24, 1996

MEMORANDUM

TO: Mariposa County Board of Supervisors
FROM: Planning Department Staff, Ed Johnson Planning Director
SUBJECT: Processing of Commercial Sites Open Window Program General Plan/Zoning Amendment Applications

RECOMMENDED ACTION

The Planning Commission recommends that the Board of Supervisors take the actions as summarized in Attachment 1, Summary of Recommendations. For each individual application, the recommendations for Board action is either to terminate processing, defer processing, or proceed with processing.

These recommended actions will not result in approval of specific projects - only further review and processing.

DISCUSSION OF RECOMMENDED ACTION

The Planning Commission's recommendations for individual applications are based upon the Goals of the Commercial Open Window Program (to bring existing established commercial uses into Zoning Ordinance Conformance and to encourage the continuance and future expansion of these uses). Details regarding the recommended processing methods are contained within the Memorandum to the Planning Commission of April 26, 1996 (Attachment 2).

Please note that the Planning Commission modified staff's original recommended action, based upon information received during the public input portion of the public hearing.

BACKGROUND AND HISTORY OF PROJECT

A summary of the background and history of this project is described in the Memorandum to the Planning Commission, included as Attachment 2.
## ATTACHMENT 1
### SUMMARY OF PLANNING COMMISSION RECOMMENDATIONS

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| C-8 (GP/ZA 95-19) Kay Hewitt Resort Commercial, 4.1 acres | x | | | | | | | |
| C-9 (GP/ZA 95-20) Becky Bradshaw Neighborhood Commercial-2, 1.05 acres | | | | | | | | | x
| C-10 (GP/ZA 95-21) Veronika S. Gerger Resort Commercial, 5.69 acres | | | | | | | | | x
| C-11 (GP/ZA 95-22) Maurice E. Varney Neighborhood Commercial-2, 2.55 acres | | | | | | | | | x
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1. C-8
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**Notes:**

1. B&B use currently in Zoning Ordinance compliance.
2. Has not been in commercial operation for a number of years.
3. Located within the boundaries of the proposed Bootjack Specific Plan.
MEMORANDUM

TO: Mariposa County Planning Commission

FROM: Ed Johnson, Planning Director
       Sarah Williams, Planning Manager
       Jay Pawlek, Associate Planner
       Greta Hudak, Associate Planner

RE: Processing of Commercial Open Window Applications

Summary:

In accordance with Board direction Planning Staff have reviewed the Commercial Open Window Period Applications and have developed a number of processing methods which in combination will be able to provide the best approach for addressing the applications, while minimizing processing timeframes and reducing paperwork.

Background:

- June 14, 1994 Board of Supervisors establishes Open Window Period for the rezoning of established commercial uses.
- April 25, 1995 Board of Supervisor initiates rezoning of 23 commercial applications.

Discussion:

The Goals of the Commercial Open Window Period are twofold. First and primarily is to bring existing established commercial uses into Zoning Ordinance Conformance. Second is to encourage the continuance and future expansion of these uses which provide basic services to tourists and residents. This is the next step in the process to determine which applications should go forward and how to achieve the goals of the Open Window Period in the most efficient manner. In an effort to achieve these goals, while minimizing processing timelines and environmental review difficulties, staff have
identified a number or processing methods. A combination of the following methods is proposed to be utilized to process rezoning applications.

**TERMINATE PROCESSING (5 applications)**

1. **Denial (NO):**

   This process involves denying a Commercial Open Window Period application based upon the location, access requirements, site conditions, and general appropriateness of commercial zoning on the property. Consideration is also given to the zoning and use status of the existing development on-site (is existing development in conformance with current zoning standards and are existing facilities currently used for commercial purposes?). No further processing would occur on these applications.

**DEFER PROCESSING (6 applications)**

2. **Rezone (ZA):**

   This involves the modification of the zoning designation applicable to the property from a residential zoning designation (i.e. Mountain Home, Mountain General, etc.) to a commercial zoning designation (i.e. General Commercial, Neighborhood Commercial, Resort Commercial, etc.). This alternative provides for a wide variety of commercial uses to be permitted on the rezoned parcel. Little restriction is placed on the commercial usage of the parcel. Issues related to the compatibility of unrestricted commercial usage of a parcel to the residentially zoned properties adjacent to it come to the forefront. This method is proposed for larger properties which are unconditionally appropriate for Commercial Development with little potential for impact on adjacent land uses. This process is the most time consuming and requires the most in-depth environmental review. Final action on these projects would be by the Board of Supervisors and would be delayed pending prioritization by the Board.

3. **Revise TPA Standards (TPA):**

   A number of properties are located within Town Planning Areas (TPAs) which currently do not have specific plans. TPAs currently have zoning standards which permit resort commercial development under the Conditional Use Permit (CUP) process. In order to provide more flexibility to the type of commercial development which is permitted in TPAs, staff is proposing a Zoning Ordinance text amendment which would allow General Commercial land uses in TPAs subject to a Conditional Use Permit. This is being done as part of the permit streamlining proposals now being developed by staff. As a result of this amendment a number of commercial open window applications could be processed under the Conditional Use Permit process. This will avoid having commercial zoning designations in TPAs which already allow some commercial development on all parcels. This alternative would provide for the conforming use that
applicants desire, while at the same time avoiding spot zoning within TPAs. This allows for a streamlined environmental review process and reduced staff review timeline. Final action on the Zoning Ordinance text amendment would be by the Board, while final action on the Conditional Use Permits would be by the Planning Commission.

4. Rural Home Industry (RHI):

The Board of Supervisors has directed the Planning Department to review the Rural Home Industry standards and recommend revisions. Applications where the property owner or a business operator live on-site are most appropriately reviewed under these standards. Processing of these applications would await revisions to the Rural Home Industry standards.

PROCEED WITH PROCESSING (12 applications)

5. Rezone with Development Agreement (DA):

This involves the modification of the zoning designation applicable to the property from a residential to a commercial designation and execution of a Development Agreement. The development agreement will limit development on the site to current land uses, with limited expansion, and can be utilized to address existing nonconforming commercial development while avoiding development which could potentially impact neighboring properties. This method is proposed for properties in which unconditional expansion has the potential to impact either neighboring properties or the environment. This alternative allows for a streamlined environmental review procedure and is less time consuming than other processing methods. Final action on these projects would be by the Board of Supervisors.

6. Existing TPA Processes, CUP and UPD:

A number of properties are located within Town Planning Areas (TPAs) which currently do not have specific plans. TPAs currently have zoning standards which permit neighborhood commercial and resort commercial development under the Use Permit Determination (UPD) and Conditional Use Permit (CUP) processes. Projects which are located within TPAs and comply with the standards of these existing zoning designations could be brought into compliance, with allowances made for expansion through a simple process. This method is quick and involves only a small amount of environmental review. Final action on these projects would be by the Planning Commission.
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Legend:
- Terminate
- No Further Processing
- Defer
- General Plan/Zoning Amendment
- Revise TPA Standards and Process CUP
- Use Existing TPA with Development Agreement
- Proceed

Note: The table indicates the recommended processing method for each application, with options ranging from termination to proceeding with specific planning amendments or use of existing TPA agreements.
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Notes:

1. B&B use currently in Zoning Ordinance compliance.
2. Has not been in commercial operation for a number of years.
3. Located within the boundaries of the proposed Booljack Specific Plan.
APN: 9-170-26 (27.445 acres)

General Location: Midpines
Present Use: KOA Yosemite/Mariposa Campground and RV park; also includes main building, manager's home, sheds, restrooms and workshop
Access: State Highway 140
Current Zoning: Mountain Home, Scenic Highway Overlay District, Open Watershed Overlay District

Initiated Zoning: Resort Commercial

Adjacent Zoning Designations:
North -- Public Domain
South -- Mountain Home
East -- Mountain Home
West -- Mountain Home

Adjacent Land Uses:
North -- unknown at this time/presumably residential
South -- unknown at this time/presumably residential
East -- unknown at this time/presumably residential
West -- unknown at this time/presumably residential
APN's: 9-160-8(1.86 acres - highway frontage) / 9-160-13(.64 acres) Total = 2.5 acres

General Location: Midpines
Present Use: 10 space mobile home park established for 23 years
Apartment and business rentals established for 50 years
Access: State Highway 140
Current Zoning: Mountain Home, Scenic Highway Overlay District and Open Watershed Overlay District

Initiated Zoning: Neighborhood Commercial-2

Adjacent Zoning Designations:
North — Mountain Home
South — Public Domain
East — Mountain Home
West — Mountain Home

Adjacent Land Uses:
North — Bear Creek Cafe' and Campground
South — unknown at this time/presumably residential
East — Mountain View Grocery (C-7)
West — unknown at this time/presumably residential
APN: 16-140-03 (2.02 Acres)

General Location: Cathey's Valley (Oasis)
Present Use: Retail stores and residential
(two mobile homes [owners and managers], office and shop, feed store, cafe', market, U.S. Post Office, gas pumps, park); established 1940

Access: State Highway 140 & Hornitos Road
Current Zoning: Cathey's Valley TPA

Initiated Zoning: Neighborhood Commercial-2

Adjacent Zoning Designations:
North -- Town Planning Area
South -- Town Planning Area
East -- Town Planning Area
West -- Town Planning Area

Adjacent Land Uses:
North -- Mobile Home Park (C-19)
South -- Century 21 (southeasterly)
East -- Residential
West -- Residential
APN: 08-400-23 (9.71 - total parcel size)

General Location: Midpines
Proposed Amendment Area: 2.5 acres; Highway 140 frontage to Bear Creek only
Present Use of Proposed Amendment Area: Post Office and parking lot for VIA bus State Highway 140
Access: Mountain Home and Scenic Highway Overlay District
Current Zoning:

Initiated Zoning: Neighborhood Commercial-2

Adjacent Zoning Designations:
North – Mountain Home
South – Mountain Home
East – Mountain Home
West – Mountain Home

Adjacent Land Uses:
North – Residential
South – Bear Creek Cafe' and Campground
East – Residential
West – Residential
APN: 15-200-46 (7.0 acres)

General Location: East of Bootjack
Present Use: Shop building, Residence, Mobile home, Mobile home (storage) and cement plant
Access: State Highway 49 South
Current Zoning: Mountain Home - Owner is operating use as a Rural Home Industry; owner lives on site

Initiated Zoning: General Commercial -1

Adjacent Zoning Designations:
North — Mountain Home
South — Mountain Home
East — Mountain Home
West — Mountain Home

Adjacent Land Uses:
North — unknown at this time/presumably residential
South — unknown at this time/presumably residential
East — unknown at this time/presumably residential
West — unknown at this time/presumably residential
APN: 09-160-18 (1.97 acres)

General Location: Midpines
Present Use: Convenient store and gas station; established 1937 (Mountain View Grocery)
Access: State Highway 140
Current Zoning: Mountain Home, Scenic Highway Overlay District and Open Watershed Overlay District
Initiated Zoning: Commercial Neighborhood-2

Adjacent Zoning Designations:
North -- Mountain Home
South -- Mountain Home
East -- Mountain Home
West -- Mountain Home

Adjacent Land Uses:
North -- Residential
South -- Residential
East -- Residential
West -- Business rentals/10 space mobile home park (C-2)
APN: 14-430-42 (4.1 acres)

General location: Woodland
Present Use: Residence, office, Little Valley Inn, small storage sheds
Access: Brooks Road, (county blacktop road) via State Highway 49 South
Current Zoning: Mountain Home Current use is in conformance with the Bed and Breakfast Standard of the Zoning Ordinance

Initiated Zoning: Resort Commercial

Adjacent Zoning Designations:
North -- Mountain Home
South -- Mountain Home
East -- Mountain Home
West -- Mountain Home

Adjacent Land Uses:
North -- unknown at this time/presumably residential
South -- unknown at this time/presumably residential
East -- unknown at this time/presumably residential
West -- unknown at this time/presumably residential
APN: 16-100-05 (1.05 acres)

General Location: Cathey's Valley
Present Use: Bar and Residence
Access: Schoolhouse Road via State Highway 140
Current Zoning: Cathey's Valley TPA

Initiated Zoning: Commercial Neighborhood-2

Adjacent Zoning Designations:
North -- Town Planning Area
South -- Town Planning Area
East -- Town Planning Area
West -- Town Planning Area

Adjacent Land Uses:
North -- Triangle convenient store and gas pumps
South -- Residential
East -- Residential
West -- Residential
APN's: 06-060-03 (1.42 acres)  
06-060-04 (2.27 acres)  
06-060-10 (2.00 acres)  
Total = 5.69 acres

General Location: El Portal
Present Use: Indian Flat R.V. Park facility and tent accommodations; Owner's mobile home serves as office; restrooms and shower facilities
Access: Highway 140
Current Zoning: General Forest

Initiated Zoning: Resort Commercial

Adjacent Zoning Designations:
North -- Public Domain (Merced River)
South -- General Forest
East -- General Forest
West -- Resort Commercial

Adjacent Zoning Designations:
North -- Forest Service Campground/Merced River
South -- presumably vacant
East -- presumably vacant
West -- Cedar Lodge (Motel/Restaurant)
C-11(GP/ZA 95-11) Applicant: MAURICE E. VARNEY

APN: 11-280-001 (2.55 acres)

General Location: Cathey's Valley - west
Present Use: Mini-Mart, Liquor Store, Beer Bar with outdoor patio, storeroom and restroom;
Garage and sheds
2 bedroom/1 bath rental house (850 sq. ft.); double wide mobile and addition (residence)
(Note: All in western half of parcel)

Access: Highway 140 & Mt. Bullion Cut-Off Road
Current Zoning: Mountain Home

Initiated Zoning: Neighborhood Commercial-2

Adjacent Zoning Designations:
North -- Mountain Home
South -- Agriculture Exclusive
East -- Agriculture Exclusive
West -- Agriculture Exclusive

Adjacent Land Uses:
North -- presumably vacant/residential
South -- presumably vacant/residential
East -- presumably vacant/residential
West -- presumably vacant/residential
APN: 12-080-35 (1.0 acre)

General Location: Mt. Bullion
Present Use: Antique Store, 30x40' existing building, outside storage, 13 parking spaces
Access: Mt. Bullion Cut-Off Road via State Highway 49 North
Current Zoning: Mt. Bullion TPA and Airport Overlay District

Initiated Zoning: Commercial Neighborhood-1

Adjacent Zoning Designations:
North -- Town Planning Area
South -- Town Planning Area
East -- Town Planning Area
West -- Town Planning Area

Adjacent Land Uses:
North -- Residential
South -- Residential
East -- Residential
West -- Residential
C-13 (GP/ZA 95-24) Applicant: UNION RESCUE MISSION INC.  
(DELORES HAHN, Agent)

APN: 08-310-01 (20.25 acres)

General Location: Midpines (Whispering Pines)
Present Use: 1,000 square foot (sf) Administration Bldg.; 3000 sf Conference Center, 4 lodging cabins; Outdoor Amphitheater; 2400 sf Recreation/Shop Bldg.; established as a conference center in 1958
Access: Deeded 40' easement along existing one land dirt roadway via State Highway 140
Current Zoning: Mountain Preserve and Scenic Highway Overlay District
Initiated Zoning: Resort Commercial

Adjacent Zoning Designations:
North -- Mountain General
South -- Mountain Home
East -- Mountain Preserve
West -- Mountain General

Adjacent Land Uses:
North -- Apartments (10)
South -- presumably vacant/residential
East -- presumably vacant/residential
West -- presumably vacant/residential
C-14 (GP/ZA 95-25) Applicant: WILFRED VON DER AHE, JR.

APN: 12-030-14 (12.87 acres)

General Location: Mariposa (Melody Motel)
Present Use: Existing Motel units, office, and shop are currently unoccupied and are in disrepair; the non-conforming use provisions of the Zoning Ordinance have expired for existing resort commercial uses
Access: State Highway 140
Current Zoning: Mountain Transition and Scenic Highway Overlay District

Initiated Zoning: Resort Commercial

Adjacent Zoning Designations:
North -- Mountain Transition
South -- Agriculture Exclusive
East -- Agriculture Exclusive
West -- Mountain Transition

Adjacent Land Uses:
presumably vacant/residential
presumably vacant/residential
vacant (industrial application I-10)
residential
APN: 08-170-40 (155 acres - total parcel size)

General Location: Briceburg (Octagon Diner)
Present Use: restaurant/convenience store
Access: State Highway 140
Current Zoning: Mountain Preserve and Scenic Highway Overlay District

Initiated Zoning: 2.5 acres = Neighborhood Commercial-2 (located within improvement area)

Adjacent Zoning Designations:
North -- Public Domain
South -- Mountain Preserve
East -- Public Domain
West -- Public Domain

Adjacent Zoning Designations:
North -- vacant (Merced River Recreation Area)
South -- presumably vacant/residential
East -- vacant
West -- vacant
APN: 08-190-03 (60 acres - total parcel size)

General Location: Midpines (Hillside Motel)
Present Use: 6 cabins, mobile, main house, travel trailer and shop
Access: State Highway 140
Current Zoning: Mountain Preserve and Scenic Highway Overlay District

Initiated Zoning: Resort Commercial; 2.5 acres of developed area only

Adjacent Zoning Designations:
North -- Mountain Preserve
South -- Mountain General;
East -- Mountain Preserve/Public Domain
West -- Mountain General

Adjacent Land Uses:
North -- Octogon Diner (C-15)
South -- presumably vacant/residential
East -- presumably vacant
West -- Residential
C-17 (GP/ZA 95-28) Applicant: Helen Kwalwasser

APN: 15-120-21 (2 acres)

General Location: Triangle Road
Present Use: General Store (w/ alcohol and deli), U.S. Post Office, UPS station, gas pumps, restaurant (w/ alcohol), beauty shop, 2 mobiles, apartment and inside/outside mini-storage
Access: Triangle Road via State Highway 49 South
Current Zoning: Rural Residential

Initiated Zoning: General Commercial-1

Adjacent Zoning Designations:
North -- Mountain Home
South -- Mountain Home
East -- Mountain Home
West -- Mountain Home

Adjacent Land Uses:
North -- presumably residential
South -- Airplane seat manufacturing home enterprise
East -- Video store
West -- presumably residential
APN: 08-170-41 (73.55 acres - total parcel size)

General Location: Midpines (Muir Lodge)
Present Use: Muir Lodge Motel including units, pool and house
Access: State Highway 140
Current Zoning: Mountain Preserve and Scenic Highway Overlay District

Initiated Zoning: Resort Commercial, 15.5 acres of Highway frontage

Adjacent Zoning Designations:
North -- Mountain Preserve
South -- Mountain Home
East -- Mountain Preserve
West -- Mountain Preserve

Adjacent Land Uses:
North -- presumably vacant/residential
South -- presumably vacant/residential
East -- presumably vacant/residential
West -- Union Rescue Mission Camp (C-13)
APN: 16-140-02 (7.34 acres)

**General Location:**
**Present Use:**
Cathey's Valley
Existing cabinet shop, small office, four (4) trailers, three (3) houses, twelve (12) mobile homes - predominant use

**Access:**
**Current Zoning:**
State Highway 140/Cathey-Hornitos Road
Town Planning Area

**Initiated Zoning:**
General Commercial - 2

**Adjacent Zoning Designations:**
North -- Town Planning Area
South -- Town Planning Area
East -- Town Planning Area
West -- Town Planning Area

**Adjacent Land Uses:**
North -- presumably vacant/residential
South -- Oasis (C-3)
East -- presumably vacant/residential
West -- presumably vacant/residential
C-20 (GP/ZA 95-31) Applicant: FRANK LEONARDI

APN's: 21-350-03 (.30 acres)
21-350-06 (.49 acres)
21-350-09 (.03 acres)
21-350-12 (.77 acres)
21-350-14 (2.18 acres)
21-350-17 (2.43 acres)
21-350-19 (136.85 acres)  Total = 160 acres (approximately)

General Location: Don Pedro
Present Use: 18 hole golf course, with clubhouse, maintenance building and townhouses
Access: Ranchito Drive via State Highway 132
Current Zoning: Rural Residential
Initiated Zoning: Resort Commercial

Adjacent Zoning Designations:
North -- Rural Residential
South -- Rural Residential
East -- Rural Residential
West -- Rural Residential

Adjacent Land Uses:
North -- Residential
South -- Grazing
East -- Residential
West -- Grazing
APN: 12-040-23 (2.05 acres)

General Location: Between Mt. Bullion and Mariposa TPA
Present Use: Mini Storage
Access: State Highway 49N
Current Zoning: Mountain Transition and Airport Overlay Zone
Initiated Zoning: General Commercial-1

Adjacent Zoning Designations:
North -- Mountain Transition
South -- Mountain General
East -- Mountain Transition
West -- Mountain General

Adjacent Land Uses:
North -- presumably vacant/residential
South -- Mariposa landfill
East -- presumably vacant/residential
West -- presumably vacant/residential
APNs: 14-210-42 (2.97 acres)

General Location: Bootjack
Present Use: Mini-storage
Access: Cole Road via State Highway 49 South
Current Zoning: Bootjack TPA (draft Specific Plan is currently undergoing public hearings)

The present use is an allowed Rural Home Industry use

Initiated Zoning: General Commercial-1

Adjacent Zoning Designations:
North -- Town Planning Area
South -- Mountain Home
East -- Town Planning Area
West -- Town Planning Area

Adjacent Land Uses:
North -- presumably vacant/residential
South -- Residential
East -- Residential
West -- vacant
C-23 (GP/ZA 95-34) Applicant: DAVID LAWSON

APN: 14-400-24 (2.86 acres)

General Location: Bootjack
Present Use: Construction company office
Storage of construction equipment and materials
Light manufacturing
Access: State Highway 49 South
Current Zoning: Bootjack TPA (draft Specific Plan is currently undergoing the public hearing process)

Initiated Zoning: General Commercial-2

Adjacent Zoning Designations:
North -- Town Planning Area
South -- Town Planning Area
East -- Town Planning Area
West -- Town Planning Area

Adjacent Land Uses:
North -- Residential
South -- Residential
East -- Residential/Rural Home Industry
West -- Bed and Breakfast
APN: 17-360-006 (10 acres)

General Location: Bootjack
Present Use: Residence (owner lives on site) and Rural Home Industry - Auto Repair
Access: Usona Road
Current Zoning: Mountain Home

Initiated Zoning: General Commercial -2

Adjacent Zoning Designations:
North — Mountain Home
South — Mountain Home
East — Mountain Home
West — Mountain Home

Adjacent Land Uses:
North — Residential
South — Residential
East — Residential
West — Residential
MARIPOSA COUNTY RESOLUTION NO. 94-232

A RESOLUTION ESTABLISHING POLICY AND PROCEDURES
FOR CONSIDERING THE FORMAL INITIATION OF GENERAL PLAN/
ZONING AMENDMENT APPLICATIONS FOR ESTABLISHED COMMERCIAL USES

WHEREAS, the Board of Supervisors wishes to
encourage the submittal of general plan/zoning amendment
applications for commercial uses which do not conform to the
Mariposa County General Plan and County Zoning Ordinance by
waiving application fees and incurring other necessary costs;
and

WHEREAS, the Board of Supervisors, by its own
policy, may grant waivers to application fees in situations
which it considers equitable and in the public interest; and

WHEREAS, it is in the public interest to establish
commercial zoning districts for existing commercial uses in
the rural parts of the County in order to encourage the
continuation and future expansion of those uses which provide
basic services to tourists and residents of Mariposa County;
and

WHEREAS, the Board of Supervisors may initiate
amendments to the Mariposa County General Plan and Mariposa
County Zoning Ordinance (Title 17 County Code) under the
authority of Section 17.128.020 of the Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, the Board of
Supervisors hereby establishes the following policy and
procedures for considering the formal initiation of general
plan/zoning amendment applications for the CN (Commercial,
Neighborhood), CR (Commercial, Resort), and CG (Commercial,
General) land use classifications and Neighborhood Commercial-1 (CN-1), Neighborhood Commercial-2 (CN-2), General Commercial-1 (CG-1), General Commercial-2 (CG-2), and Resort Commercial (CR) zoning districts:

1) This policy establishes an open window filing period in which property owners of established commercial businesses and structures may submit general plan/zoning amendment applications for commercial land use classifications and zoning districts and request consideration of formal initiation by the Board of Supervisors. Said initiation by the Board of Supervisors, if approved, shall result in the waiver of County application processing fees and the incurring of additional costs by the County, as determined by the Board of Supervisors.

2) Applications shall contain all required information for a general plan/zoning amendment application, any information necessary to consider the application relative to the criteria contained in Exhibit "A" attached hereto and incorporated herein, and signature by one or more of the property owners. Applications which do not contain the required information shall not be accepted for processing.

3) Applications shall be accepted for a period of 120 days from the date of official publication of this policy.

4) Following acceptance of the applications and the closing of the filing period, the applications shall be referred to the Board of Supervisors for consideration of formal initiation.
5) Formal initiation of the applications shall be considered relative to the criteria contained in Exhibit "A". The Board may establish additional policy and criteria in considering applications for formal initiation.

6) This policy is limited to the acceptance of applications and their consideration for possible initiation by the Board of Supervisors. Acceptance of an application does not bind the County or the Board of Supervisors in any future action to initiate or approve the amendment application.

7) This policy does not preclude or limit a property owner from requesting a general plan/zoning amendment by the submittal of an application, including application fees, in accordance with Chapter 17.128 of the Zoning Ordinance.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 14th day of June, 1994 by the following votes:

AYES: Baggott, Balmain, Erickson, Parker

NOES: None

ABSTAINED: None

EXCUSED: Taber

ARThUR G. BAGGOTT, JR. Chairman of the Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

JEFFREY G. GREEN, County Counsel
EXHIBIT "A"

1. The project site shall not be located in town planning areas with adopted specific plans. An established commercial business(es) or an existing commercial structure(s) which can readily be utilized for commercial uses shall be located on the project site.

2. The project site shall include only that parcel on which the commercial business or structure is located. Additional lands, under the same or separate ownership, may be included in the application only to the extent necessary to satisfy minimum site area requirements for the requested land use classification and zoning district. Exceptions below the minimum site area requirements may be allowed if there are exceptional or extraordinary circumstances applicable to the property and the site has suitable area for the existing development.

3. The requested land use classification and zone shall be the least intensive land use classification and zone which permits the commercial business or structure.
GP/ZA 95-19 HEWITT

COORESPONDENCE RECEIVED BY THE PLANNING COMMISSION
May 1, 1996

To: Mariposa County Planning Commission
RE: C-8(GP/ZA 95-19) K. Hewitt
Open Window Zoning Applicant

Summary:

Our application was initiated for further processing last April. Currently the Planning Department suggested I pursue my application through the Bed & Breakfast Ordinance. Working with the Planning Department the last few days, it became apparent that the B&B Ordinance would not be applicable, and Planning suggested that we request our application to be processed through the General/Plan Zoning Amendment with Development Agreement. We agree with this, as our objective is to add only two rental rooms.

Background:

Little Valley Inn, just off Highway 49, near Woodland Center, opened in July 1994. The Inn is all new construction, a tri-plex, separate from the residence. Existing codes prohibit our desired expansion. Our goal is to expand to a total of five rooms. Our guests are tourists, and relatives or friends of our neighbors.

In the short time Little Valley Inn has been operational it has had a positive effect on businesses in the Bootjack/Woodland community. Please see the attached notice from these proprietors. Our guests shop at these stores and eat meals at these restaurants.

We feel that our application for Amendment with a Development Agreement will result in better services to tourists and residents and provide additional community revenues.

We could not attend this morning’s meeting (May 3, 1996, 9AM) as we have guests at the Inn. Thank you for considering this request.

Sincerely yours,

Kay Hewitt

Kay Hewitt 742-6204

(209) 742-6204 Phone  (209) 742-5099 Fax
Email: lvi@ims.mariposa.ca.us
TO: Mariposa County Board of Supervisors
   Mariposa County Planning Commissioners
   Mariposa County Planning Department

April 29, 1996

RE: Little Valley Inn (Hewitt-Barber)
   C-8 (GP/ZA 95-19)

The Little Valley Inn, a lodging facility in the Woodland area just off Highway 49, has applied for expansion opportunities through the open window re-zoning period.

I/We request that you approve the Inn’s request to add two additional rental bedrooms.

The tourists and guests who frequent the Inn are a noticeable source of revenue to my/our business.

Thank you for any consideration you give to this request.

Signature:

[Signature]

[Address]

[Date]
GP/ZA 95-25 VON DER AHE

INFORMATION SUBMITTED BY WILFRED VON DER AHE ON MAY 2, 1996
### MOTEL WELL TANK

**CUSTOMER'S ORDER NO.**
976-2769

**DEPT.**

**DATE**
6-29-94

**NAME**
Willie Dede

**ADDRESS**
Mell O Dee Motel

**SOLD BY**
Harry 108 Wharfost

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**RECI'D BY**
7/6/94

**PAID JUL 6 1994**

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**5L350/01350**

**KEEP THIS SLIP FOR REFERENCE**
**MARIPOSA WELL DRILLING CO., INC.**
4601 Hwy, 49 South
MARIPOSA, CALIFORNIA 95338
(209) 966-3141

2964 TRIANGLE RD.

**TERMS**
Balance Due upon completion. 1½% Finance Charge after 30 days. 1½% Annually.

**RECEIPT**

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**NOTICE**

Under the Mechanics' Lien Law (California Code of Civil Procedure, Section 1181 et seq.), any contractor, subcontractor, laborer, supplier, or other person who helps to improve your property and is not paid for his work or supplies, has a right to enforce a claim against your property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your contractor in full, if the subcontractor, laborer, or supplier remains unpaid.

---

*Paid in full*

$13,000

2-10-92
BUSINESS PROPERTY STATEMENT
DECLARATION OF COSTS AND OTHER RELATED PROPERTY INFORMATION
AS OF 12:01 A.M., MARCH 1, 1996

OWNER
012-030-0140-
NAME
VONDERAHE JR., TR., WILFRED
DBA
2964 TRANGLE ROAD
LOCATION
MARIPOSA CA 95338

PART I GENERAL INFORMATION
COMPLETE (a) THRU (g) AS REQUESTED

a. Enter type of business:

b. Enter local telephone No. ( ) 966 2962

c. Do you own the land at this business location? YES ☐ NO ☐
If yes, is the name on your deed recorded as shown on this statement? YES ☐ NO ☐
d. When did you start business at this location? DATE: 3-1-91

e. Enter location of general ledger and all related accounting records (include ZIP):

PART II DECLARATION OF PROPERTY BELONGING TO YOU
Attach Schedule For Any Adjustment To Cost

1. Supplies
2. Equipment
   (From Schedule A, Line 3A)
3. Equipment Out on Lease or Rent to Others
   (Attach Schedule)
4. Structure and fixture items
   (From Schedule A, Line 3B)
5. Construction In Progress
   (Attach Schedule)
6. 

PART III DECLARATION OF PROPERTY BELONGING TO OTHERS – IF NONE WRITE "NONE"
(SPECIFY TYPE BY CODE NUMBER)

1. Leased Equipment
2. Lease-Purchase Option Equipment
3. Capitalized Leased Equipment
4. Vending Equipment
5. Other Businesses
6. Government-Owned Property

Tax Obligation: A. Lessor B. Lessee

8. Lessor's Name
   Mailing Address
9. Lessor's Name
   Mailing Address

SIGNATURE: I certify (or declare) under penalty of perjury under the laws of the State of California that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete and covers all property required to be reported which is owned, claimed, possessed, controlled, or managed by the person named in the statement at 12:01 a.m. on March 1, 1996. If prepared by a duly authorized person other than the taxpayer, the declaration is based on all information of which the preparer has knowledge. This statement must be signed. Failure to do so could result in penalties.

ASSESSOR'S USE ONLY

NO CHANGES IN PERSONAL PROPERTY — VALUE AGREED

BE-ASD AH 571-S 5-26-94 (REVISED 6-27-95)
AS PER SITE INSPECTION BY BOB METHENY
3-22-94
COUNTY OF MARIPOSA, a political subdivision of the State of California, Plaintiff, vs. RENE LOUSTALOT, and SANDRA LOUSTALOT, Defendants.

Case No. 7059
PRELIMINARY INJUNCTION

The Motion for Mandatory Preliminary Injunction filed herein by the County of Mariposa came on regularly for hearing on January 17, 1991, at 1:30 p.m., in the above-entitled court. The Honorable Richard L. McMechan presided.

Steven W. Dahlem, Esq., appeared for the County of Mariposa. Rene Loustalot and Sandra Loustalot appeared in proper.

Based upon the stipulation of the parties, IT IS HEREBY ORDERED that defendants shall immediately cease and desist renting rooms to the public or providing water to the public until such time as all applicable county codes and state statutes applicable to public water systems have been complied with to the satisfaction of the Mariposa County Health
Officer and a permit to operate a public water system has been issued.

Dated: 1-22-51

RICHARD L. MCMECHAN
JUDGE OF THE SUPERIOR COURT